**DECLARATION - USA PATENT APPLICATION**

I, \_\_\_\_\_, as a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **BICYCLE REAR SUSPENSION**; the specification of which was filed on **April 29, 2002** as Application Serial No. **10/135,052**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/372,982

Filing Date: April 15, 2002

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Jason L. Chamberlain**

Inventor's signature \_\_\_\_\_

*Jason Chamberlain*

Date \_\_\_\_\_


*8/22/02*

Residence: **430 Calle Verde, Morgan Hill, CA 95037**

Citizenship: **United States**

Post Office Address: **Same as above.**

Full name of second inventor: **Christopher P. D'Aluisio**

Inventor's signature 

Date 8-6-02

Residence: **809C Lewis Road, Watsonville, CA 95076**

Citizenship: **United States**

Post Office Address: **Same as above.**

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**KNOBBE, MARTENS, OLSON & BEAR, LLP**  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

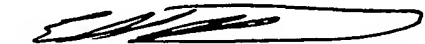
Applicant : Chamberlain et al.  
Appl. No. : 10/811,765  
Filed : March 29, 2004  
For : BICYCLE REAR SUSPENSION  
Examiner : Unknown  
Group Art Unit : Unknown

## CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

August 9, 2004

(Date)



Edward A. Schlatter, Reg. No. 32,297

DECLARATION OF INVENTORS UNDER 37 C.F.R. § 1.131

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

We, Jason L. Chamberlain and Christopher P. D'Aluisio, declare as follows:

1. We are the named, joint inventors of the subject matter of U.S. Patent Application No. 10/811,765, which is a continuation of U.S. Patent Application No. 10/135,052, filed April 29, 2002, which claims priority to U.S. Provisional Patent Application No. 60/372,982.

2. We have read the Office Action mailed on July 7, 2003 in the '052 application, and understand that Claims 1-4, 6, 10-13 and 19-23 were rejected by the Examiner under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,439,593 to Tseng ("the Tseng patent").

3. We further understand that Claims 15-18, 24 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Tseng patent in view of U.S. Patent No. 4,883,205 to Saelens et al. ("the Saelens patent").

4. We reduced to practice the subject matter of the claims of the above-identified applications prior to July 9, 2001 and, therefore, prior to the filing date of the Tseng patent. For example, we reduced to practice a bicycle frame including a main frame portion and an articulating frame portion. The articulating frame portion including a pair of lower arms, a pair of upper arms and a link. The pair of lower arms has a forward end and a rearward end. The

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**Filed** : **March 29, 2004**

forward ends are pivotally connected to the main frame portion at a first pivot axis. The pair of upper arms has a lower end and an upper end. The lower ends are pivotally connected near the rearward ends of the lower arms at a second pivot axis. One of the rearward ends of the lower arms and the lower ends of the upper arms define a hub axis. The link is pivotally connected to the upper ends of the upper arms at a third pivot axis and pivotally connected to the main frame portion at a fourth pivot axis. The bicycle frame also includes a shock absorber pivotally connected to one of the main frame portion and the link at a fifth pivot axis and pivotally connected to the articulating frame portion at a sixth pivot axis. The sixth pivot axis is located near the hub axis.

5. Exhibit A is a photograph of a main frame portion of a prototype bicycle frame built prior to July 9, 2001 that embodies the subject matter of the '052 application. The main frame shown in Exhibit A was built as a complete bicycle ("the prototype bicycle") including an articulating frame portion extending in a rearward direction from the main frame. The articulating frame portion was connected to the main frame at an upper mount location and a lower mount location, as labeled in Exhibit A. To clarify, the prototype bicycle included each and every element of Claims 1-4, including a bicycle frame including a main frame portion and an articulating frame portion. The articulating frame portion including a pair of lower arms, a pair of upper arms and a link. The pair of lower arms has a forward end and a rearward end. The forward ends are pivotally connected to the main frame portion at a first pivot axis. The pair of upper arms has a lower end and an upper end. The lower ends are pivotally connected near the rearward ends of the lower arms at a second pivot axis. One of the rearward ends of the lower arms and the lower ends of the upper arms define a hub axis. The link is pivotally connected to the upper ends of the upper arms at a third pivot axis and pivotally connected to the main frame portion at a fourth pivot axis. The bicycle frame also includes a shock absorber pivotally connected to one of the main frame portion and the link at a fifth pivot axis and pivotally connected to the articulating frame portion at a sixth pivot axis. The sixth pivot axis is located near the hub axis.

6. Prior to July 9, 2001, the prototype bicycle was ridden by both of the named inventors to verify that the bicycle frame worked for its intended purpose. Under the supervision and control of the inventors, the prototype bicycle was also ridden by several other employees of

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the assignee of the '052 application. Supporting statements of two employees, Brandon Sloan and Robert Egger, are filed herewith.

7. Exhibit B is a photograph of the prototype main frame of Exhibit A superimposed over another bicycle frame, which includes an articulating frame portion substantially similar to the articulating frame portion provided on the prototype main frame prior to July 9, 2001. A prototype shock absorber was fabricated and assembled to the prototype main frame for the test ride described in paragraph 4. As indicated in Exhibit B, the shock absorber was connected to the prototype frame at a rear mount location, defined by a mounting bracket, and a front mount location, coinciding with the upper mount location. The original articulating frame and shock absorber were disassembled from the prototype main frame and were unable to be located.

8. Exhibit C is a complete bicycle employing a commercial embodiment of the prototype frame and currently being sold by the assignee of the '052 application. The bicycle of Exhibit C illustrates a shock absorber extending between a rear mount location and the front mount location. The arrangement of the main frame, articulating frame and the shock absorber of the bicycle of Exhibit C is substantially similar to the prototype bicycle described in paragraph 4.

9. All activities described herein were performed by us, or on our behalf, in the United States of America.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true. We declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 8-2-04

By:   
Jason L. Chamberlain

Dated: 7-30-04

By:   
Christopher P. D'Aluisio